



Entered on Docket  
November 09, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Scheduling Settlement Conference;  
Status Conference re Morris Massry**

Settlement Conference Date: December 13, 2011  
Settlement Conference Time: 1:30 p.m.

Status Conference: December 19, 2011  
Time: 9:30 a.m.

A settlement conference is hereby ordered to commence on **December 13, 2011 at 1:30 p.m.** before Judge Ross at the Foley Federal Building, 300 Las Vegas Blvd. South, Judge's Conference Room, Las Vegas, Nevada, re proof of claim No 10725-01898 filed on behalf of Morris Massry ("Mr. Massry"), in the amount of \$1,802,040 re Placer I; Tapia Ranch; Palm Harbor, Gess, Binford Medical and other loans; the objections filed on behalf of the USACM Liquidating Trust re Placer I, Tapia Ranch, Palm Harbor Gess and Binford Medical loans [DE 8449, 8527, 8598, 8857 and 8638], and responses to the objections

1 filed on behalf of Mr. Massry, including, but not limited to: DE 8668; 8669, 8950. 8951,  
2 and 9138.

3 Counsel of record that will participate in the trial of this case and all parties  
4 appearing pro se and all individual parties must be present.

5 In case of non-individual parties, counsel shall arrange for a representative, with  
6 binding authority to settle, to be present in court for the duration of the settlement  
7 conference. Only upon obtaining an order from the settlement conference judge in  
8 advance of the settlement conference may a client participate telephonically.

9 **Any requested exception to the attendance requirements must be submitted to**  
10 **the settlement conference judge for approval in advance of the settlement conference.**

11 **PREPARATION FOR SETTLEMENT CONFERENCE**

12 *No later than seven business days before the settlement conference, the parties*  
13 *shall exchange written settlement offers.* No later than four business days before the  
14 settlement conference each party shall submit a confidential settlement conference  
15 statement, *which will include a copy of the last settlement offer*, to the **chambers of**  
16 Judge Ross for in camera review. If not timely submitted, sanctions may be imposed. The  
17 settlement conference statement shall be no longer than 5 double-spaced pages. The  
18 settlement conference statement shall contain the following:

- 19 **1.** A brief statement of the nature of the action.
- 20 **2.** A concise summary of the evidence that supports your theory of the case,  
21 including information documenting your damages claims. You may attach  
22 to your statement a limited number of documents or exhibits that are  
23 especially relevant to key factual or legal issues.
- 24 **3.** A brief analysis of the key issues involved in the litigation.
- 25 **4.** A discussion of the strongest points in your case, both legal and factual, and  
26 a frank discussion of the weakest points as well. The court expects you to  
present a candid evaluation of the merits of your case.

- 1           5.     A further discussion of the strongest and weakest points in your opponents'
- 2                 case, but only if they are more than simply the converse of the weakest and
- 3                 strongest points in your case.
- 4           6.     A history of settlement discussions, if any, which details the demands and
- 5                 offers which have been made, and the reasons they have been rejected.
- 6           7.     The settlement proposal that you believe would be fair.
- 7           8.     The settlement proposal that you would honestly be willing to make in order
- 8                 to conclude this matter and stop the expense of litigation.

9           The settlement conference statement should be delivered to chambers in an  
10          envelope clearly marked "Contains Confidential Settlement Brief" or faxed to the  
11          settlement conference judge.

12          The purpose of the settlement conference statement is to assist the judge in  
13          preparing for and conducting the settlement conference. In order to facilitate a meaningful  
14          conference, your utmost candor in responding to all of the above listed questions is  
15          required. The confidentiality of each statement will be strictly maintained and following  
16          the conference, the statement will be destroyed.

17          DO NOT SERVE A COPY ON OPPOSING COUNSEL. DO NOT DELIVER OR  
18          MAIL THE STATEMENT TO THE CLERK'S OFFICE.

19          **The settlement conference shall not be continued or vacated without prior**  
20          **approval of the judge assigned to the case.**

21          FAILURE TO APPEAR WILL RESULT IN THE IMPOSITION OF  
22          SANCTIONS. IF THE MATTER IS SETTLED BEFORE THE SETTLEMENT  
23          CONFERENCE DATE, THE PARTIES MUST NOTIFY THE SETTLEMENT  
24          CONFERENCE JUDGE'S CALENDAR CLERK SO THAT THE MATTER CAN BE  
25          TAKEN OFF CALENDAR.

26          IT IS FURTHER ORDERED that a Status Conference shall be held before the  
Honorable Linda B. Riegle on **December, 19, 2011 at 9:30 a.m.** at the U.S. Bankruptcy  
Court, 300 Las Vegas Blvd., South, Las Vegas, Nevada.

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2 PREPARED AND RESPECTFULLY SUBMITTED BY:

3  
4 **LEWIS AND ROCA LLP**

5 By /s/ John Hinderaker (AZ #018024)

6 Robert M. Charles, Jr.

7 John Hinderaker (*pro hac vice*)

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10 *Attorneys for USACM Liquidating Trust*  
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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

\_\_\_\_\_ No party appeared at the hearing or filed an objection to the motion.

XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

Other Party: <u>Erika C. Browne</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document

s/ \_\_\_\_\_  
 Erika C. Browne  
 Segel, Goldman, Mazzota & Siegle, P.C.  
 9 Washington Square  
 Albany, New York 12205  
 E-mail: ebrowne@sgmalbany.com

s/ Submitted by:  
 LEWIS AND ROCA LLP

By: /s/ John Hinderaker (AZ #018024)  
 Attorneys for USACM Liquidating Trust

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